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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,302	12/12/2003	Junichi Tamura	OKI 402	7322
23995	7590	10/23/2006	EXAMINER	
RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005			THOMAS, SHANE M	
			ART UNIT	PAPER NUMBER
			2186	

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,302

Applicant(s)

TAMURA, JUNICHI

Examiner

Shane M. Thomas

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 1960 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prosecution for this case has been assumed by Examiner Shane Thomas.

This Office action is responsive to the amendment filed 7/24/2006. Claims 1-14 remain pending. Applicants' arguments and amendments to the claims have been carefully considered, but they are not persuasive and do not place the claims in condition for allownace. Accordingly, this action has been made FINAL.

Information Disclosure Statement

The information disclosure statement filed 7/24/2006 has not been considered by the Examiner as a copy of the form PTO-1449 has not been included with Applicant's response. The cover page for the IDS as well as the references to be considered have been received by the Office, but the PTO-1449 which includes the reference listing has not been received. As such, the Examiner requests that the Applicant submit the form PTO-1449 in order for the IDS to be considered by the Examiner during the next response.

Response to Amendment

As per the amendment to independent claims 1,4, and 8, the Examiner has cited further sections of the Ng reference to teach the amended limitations. Specifically ¶30 teaches that data is addressed from the disc using a data sector number, and the data sector number is also shown as being comprised as data rearrangement information (discussed below).

Because no arguments regarding the remainder of the dependent claims are presented, the Examiner is maintaining the previous rejections to claims 2,3,5-7, and 9-14 as discussed in the previous non-Final Office action filed on 3/24/2006 by the previous Examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,4,8, and 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ng et al. (U.S. Patent Application Publication No. 2003/0202270).

As for claims 1,4, and 11, Ng discloses

- a) storing data in a first data storage section (data is stored in the buffer 402 of figure 5 - ¶47 and ¶49);
- b) storing data rearrangement information in a stack (¶¶44 and 43), where the stack is the linked list 400 (figure 5) and the rearrangement information comprises the pointers of the subsequent data sector contained in each entry of the linked list 400;
- c) reading the data stored in the first data storage section (¶47 - where data is read from the buffer before being written to the disc tracks), and storing the data in a

second data storage section (disc tracks) based on the data rearrangement

information stored in the stack (§§49-54); and

d) addressing the data by the data rearrangement information in the second data storage section (§§30 and §49). Data is addressed by sector number on the disc (second data storage section) as discussed in §30 and taught further in figure 8, whereas data is also addressed via sector number by the data rearrangement information as figures 5 and 6 clearly show the data rearrangement information comprises sector numbers in the stack 400 (linked list). Therefore, since the data rearrangement information addressed by sectors numbers and the data of the disc is accessed by sector numbers (see figures 5 and 6, element 404), the limitation is taught by Ng.

As for claim 11, Ng discloses

The reading and the storing are carried out by using an address conversion table and a corresponding stack pointer (Par. 44, 47, Lines 2-3).

As for claim 12, Ng discloses

calculating logic OR operation or logic ADD operation of a read address and an offset register (Par. 52).

As for claim 13, Ng discloses

the reading and the storing are carried out by using a register substituted for the stack pointer (Par. 43-44).

As for claim 14, Ng discloses

the data stored in the address conversion table includes byte write information
(Par. 35).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 5, 6, 7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ng et al. (U.S. Patent Application Publication No. 2003/0202270) in view of Jhung (U.S. Patent No. 6,304,847).

As for claims 2, 5 and 9 Ng fails to disclose the following limitation, which is taught by Jhung:

the data rearrangement information contains an address of the second data storage section
(Col. 10 Lines 51-54).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the address data taught by Jhung with the data rearrangement system/method discloses Ng because both systems rearrange data in an effort to increase the speed and efficiency of a system and using the address data taught by Jhung provides a method of reordering that is not software intensive and doesn't waste valuable resources.

As for claims 3, 6 and 10 Jhung teaches

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the first data storage section is a register; and the second data storage section is a random access memory (Col. 10 Lines 54-58, Col. 13 Lines 29-52).

As for claim 7 Jhung teaches

the first data storage section and the second data storage section are random access memories (Col. 10 Lines 54-58).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shane M. Thomas whose telephone number is (571) 272-4188. The examiner can normally be reached on M-F 8:30 - 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt M. Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shane M. Thomas


PIERRE BATAILLE
PRIMARY EXAMINER
1015106